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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,910	08/02/2001	Miraj Mostafa	442-010509-US(PAR)	7123

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425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER	
MEUCCI, MICHAEL D	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/920,910	MOSTAFA, MIRAJ	
	Examiner	Art Unit	
	Michael D. Meucci	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 August 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the request for continued examination filed 28 June 2006.

2. Claims 21-59 remain pending in the application.

3. Examiner acknowledges amendments made to overcome the 35 U.S.C. 101 rejections to claims 47 and 59. These rejections have been withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 21-59 rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski et al. (U.S. 6,430,177 B1) hereinafter referred to as Luzeski in view of Parasnis et al. (U.S. 6,728,753 B1) hereinafter referred to as Parasnis and Broussard (U.S. 6,269,483 B1).

a. As per claims 21, 37, 45, 47, 48, 55, and 59 Luzeski teaches: receiving, by a messaging server, content, including a streamable media component and information describing the streamable media component (abstract, lines 47-52 of column 5, and Fig. 1); and sending information describing the streamable media component from the

messaging server to a recipient terminal (lines 35-39 of column 11 and lines 7-29 of column 20).

Luzeski does not explicitly teach: forming a streaming session between the messaging server and the recipient terminal using the information describing the streamable media component. However, Parasnis discloses: "In addition to viewing presentations in the forgoing manner, recent advancements in streaming format technology have made it possible to receive audio and video content via live broadcasts over the Internet and other network environments," (lines 35-39 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to form a streaming session between the messaging server and the recipient terminal using the information describing the streamable media component. "As opposed to conventional network file transfer schemes, streaming format technology allows content to be continuously "streamed" to one or more computers over a network rather than being first downloaded as a file," (lines 39-42 of column 2 in Parasnis). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to form a streaming session between the messaging server and the recipient terminal using the information describing the streamable media component in the system as taught by Luzeski.

Luzeski does not explicitly teach: a wireless terminal. However, Broussard discloses: "The terminal 10 may also include a modem and wireless transceiver 38, coupled to the bus 31. The wireless transceiver 38 may also be coupled to the network 22," (lines 33-36 of column 5). It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have the terminal wireless. Not only is this extremely obvious in the art, Broussard provides the motivation: "In this event, the wireless transceiver may include an antenna for exchanging video and audio stream data with a cellular network pursuant to a protocol such as CDPD or H.324. Typically, in this configuration, the terminal 10 will be a hand-held communications or computing device or portable computer," (lines 36-42 of column 5 in Broussard). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the terminal wireless in the system as taught by Luzeski.

Luzeski does not explicitly teach: the streamable media component is constructed to be presentable to a recipient while the streamable media component is being transmitted from the messaging server to the recipient wireless terminal or while the wireless messaging device is receiving the streamable media component. However, Parasnis discloses: "In addition to viewing presentations in the forgoing manner, recent advancements in streaming format technology have made it possible to receive audio and video content via live broadcasts over the Internet and other network environments," (lines 35-39 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the streamable media component constructed to be presentable to a recipient while the streamable media component is being transmitted from the messaging server to the recipient wireless terminal or while the wireless messaging device is receiving the streamable media component. "As opposed to conventional network file transfer schemes, streaming format technology allows content to be continuously "streamed" to one or more

computers over a network rather than being first downloaded as a file," (lines 39-42 of column 2 in Parasnis). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the streamable media component constructed to be presentable to a recipient while the streamable media component is being transmitted from the messaging server to the recipient wireless terminal or while the wireless messaging device is receiving the streamable media component in the system as taught by Luzeski.

b. As per claim 22, Luzeski teaches: the messaging server receives the streamable media component and the information describing the streamable media component from a sending terminal (abstract, lines 47-52 of column 5, and Fig. 1).

c. As per claim 23, Luzeski teaches: the messaging server receives the streamable media component and the information describing the streamable media component in separate messages (lines 5-16 of column 12).

d. As per claim 24, Luzeski teaches: the content includes at least one non-streamable component ("e-mail" in lines 29-33 of column 1).

e. As per claim 25, Luzeski does not explicitly teach: the streaming session is formed under one of the following protocols: HTTP and RTSP. However, Broussard discloses: "The packetized data may be transmitted using a plurality of protocols including RTP, RTSP, H.323 among others," (lines 26-28 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to create the streaming session using one of HTTP and RTSP. In addition to h.323, any other suitable protocol may be used for exchanging audio and video stream data with

the network 22. Other examples include the real-time transport protocol (RTP), the real-time streaming protocol (RTSP) among others," (lines 29-33 of column 5 in Broussard). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to create the streaming session using one of HTTP and RTSP in the system as taught by Luzeski.

f. As per claim 26, Luzeski does not explicitly teach: generating the streamable media component at a sending terminal. However, Parasnis discloses: "A typical example illustrating the use of streaming format technology is a live Internet concert, in which audio and video equipment at the performance site produce signals that are converted into a digital format in real- or near-real-time (or are already in a digital format if digital camera equipment is used), and the digital content is converted into an appropriate streaming format and broadcast to a large audience accessing the concert via an Internet Web page," (lines 43-50 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate the streamable media component at a sending terminal. "In addition to concerts, streaming technology is presently used for broadcasting other types of live events, including presentations," (lines 50-553 of column 2 in Parasnis). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to generate the streamable media component at a sending terminal in the system as taught by Luzeski.

g. As per claim 27, Luzeski teaches: streaming the streamable media component to the messaging server (abstract, lines 47-52 of column 5, and Fig. 1).

Luzeski does not explicitly teach: a streamable media component generated at the sending terminal. However, this limitation is rejected in the same manner as discussed in the rejection of claim 26.

h. As per claim 28, Luzeski does not explicitly teach: the step of sending the information describing the streamable media component from the messaging server to the recipient wireless terminal takes place before generation of the streamable media component is complete. However, Parasnis discloses: "The one or more HTML files comprising the presentation slides are sent from the local computer to the NETSHOW.TM. server, which then broadcasts the files to the receiving computers, preferably using a multicast broadcast," (lines 30-33 of column 5). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to send the information describing the streamable media component from the messaging server to the recipient wireless terminal takes place before generation of the streamable media component is complete. "The multicast broadcast is performed using a relatively high bandwidth (preferably corresponding to a substantial portion of the available bandwidth of the receiving computers), prior to the start of the presentation, to enable the HTML files to be cached by the browser application programs of the receiving computers," (lines 34-39 of column 5 in Parasnis). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to send the information describing the streamable media component from the messaging server to the recipient wireless terminal takes place before generation of the streamable media component is complete in the system as taught by Luzeski.

i. As per claim 29, Luzeski teaches: step of sending a notification message from the messaging server to the recipient terminal to inform the recipient wireless terminal that the content is available f or retrieval by (lines 35-39 of column 11 and lines 7-29 of column 20). A recipient wireless terminal is discussed above in the rejection of claim 20.

j. As per claim 30, Luzeski teaches: sending the information describing the streamable media component from the messaging server to the recipient terminal within a notification message (lines 35-39 of column 11 and lines 7-29 of column 20). A recipient wireless terminal is discussed above in the rejection of claim 20.

k. As per claim 31, Luzeski teaches: the streaming session is formed after the recipient terminal has received the notification message (lines 35-39 of column 11 and lines 7-29 of column 20). A recipient wireless terminal is discussed above in the rejection of claim 20.

l. As per claim 32, Luzeski teaches: the streaming session is formed at discretion of the user (lines 54-56 of column 1).

m. As per claim 33, Luzeski teaches: messaging server comprises a content server, the content server receiving the streamable media component from a sending terminal and transmitting the streamable media component to the recipient terminal (lines 46-53 of column 5). A recipient wireless terminal is discussed above in the rejection of claim 20.

n. As per claim 34, Luzeski teaches: implementing the method as part of a multimedia messaging service (MMS) (abstract and lines 23-34 of column 2).

o. As per claim 35, Luzeski does not explicitly teach: multicasting the streamable media component to at least one other recipient in addition to the recipient terminal. However, Parasnis discloses: "During the presentation, the ASF stream comprising the live content and the slide display commands are sent to the network server, which then broadcasts the ASF stream to the receiving computers," (lines 39-42 of column 5). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to multicast the streamable media component to at least one other recipient in addition to the recipient terminal. Motivation for this limitation is stated above (allowing multiple users access to the media stream). A recipient wireless terminal is discussed above in the rejection of claim 20.

p. As per claim 36, Luzeski teaches: the messaging server receives the streamable media component within a multimedia message (lines 23-34 of column 2).

q. As per claim 38, Luzeski teaches: means for transmitting the streamable media component in sequential sub-parts to the recipient terminal during the streaming session (line 66 of column 20 through line 5 of column 21). A recipient wireless terminal is discussed above in the rejection of claim 37.

r. Claims 39-44, 46, 49-54, and 56-58 contain limitations similar to those in claims 21-38, 47-48, 55, and 59, and are rejected for the same reasons.

Response to Arguments

6. Applicant's arguments filed 28 June 2006 have been fully considered but they are not persuasive.

7. (A) Regarding claim 1, the applicant contends that Luzeski does not disclose receiving a streamable media component. The examiner respectfully disagrees.

As to point (A), the applicant argues that while Luzeski mentions streaming of voice and fax data into and out of a voice/fax store, Luzeski states that after all the segments are received, the plug-in plays the voice data. The examiner points out that while Luzeski does not explicitly teach ***streaming*** the streamable media component, it does in fact teach ***receiving*** the streamable media component. The Parasnis reference was relied upon for teaching of: presenting the streamable media component to the recipient while it is still being transmitted (see Office Action mailed 4/11/06, line 4 on page 5 through line 2 on page 6). As such, the rejection remains proper and is maintained by the examiner.

8. (B) Regarding claim 1, the applicant contends that Parasnis fails to teach forming a streaming session between the messaging serve and the recipient wireless terminal using the information describing the streamable media component. The examiner respectfully disagrees.

As to point (B), the applicant argues that Luzeski fails to disclose that the streamable media component is constructed to be presentable to a recipient while being transmitted from a messaging server to a recipient wireless terminal, or while being received by a wireless messaging device, thus making Luzeski unable to teach information describing the streamable media component and Parasnis fails to discloses

forming a streaming session between the messaging server and the recipient wireless terminal using the information describing the streamable media component. The examiner points out, that as explained above in point (A), Luzeski does teach receiving a streamable media component including information describing the streamable media component, making the streaming session formed by Parasnis possible. As such, the rejection remains proper and is maintained by the examiner.

9. (C) Regarding claim 1, the applicant contends that there is no suggest or motivation to combine Luzeski, Parasnis, and Broussard. The examiner respectfully disagrees.

As to point (C), the applicant describes the differences between the three systems in a most generalized fashion, but fails to specifically cite any reason these references cannot be combined. Motivation has been properly retrieved ***from*** the references and has cited in the above rejection. As such, the combination of the references is proper and the rejections have been maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brooks et al. (U.S. 7,047,305 B1 and 7,069,573 B1) discloses a broadcasting system for A/V using WAN and RTSP.

Srikantan et al. (U.S. 7,073,191 B2) discloses streaming single media tracks to multiple clients.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BEATRIZ PRIETO
PRIMARY EXAMINER